

JOURNAL OF THE HOUSE

NINETIETH SESSION

TWENTY-FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 12, 2015

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Mercy Hobbs, followed by the Pledge of Allegiance led by House pages Bret Carley, Braeden Edleman, and Lathan Lauing.

Roll Call: All members present except Reps. Conzet, Craig, DiSanto, Marty, May, Munsterman, Schoenbeck, Schrempp, Tulson, Verchio, Werner, and Westra who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twentieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration SB 93 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Roger D. Solum, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1229 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1147 and 1186 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1185 and returns the same with the recommendation that said bill be amended as follows:

1185fa

On page 1, line 7, of the printed bill, delete "casually" and insert "casualty".

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1187 and returns the same with the recommendation that said bill be amended as follows:

1 1187fa

2 On page 1, line 11, of the printed bill, delete "Education" and insert "Educational".

3 1187fa

4 On page 1, line 4, of the printed bill, delete "Education" and insert "Educational".

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on Appropriations respectfully reports that it has had under consideration
8 HB 1199 which was deferred to the 41st Legislative Day.

9 Respectfully submitted,
10 Justin R. Cronin, Chair

11 Also MR. SPEAKER:

12 The Committee on Agriculture and Natural Resources respectfully reports that it has had
13 under consideration SB 45 and returns the same with the recommendation that said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Agriculture and Natural Resources respectfully reports that it has had
16 under consideration HB 1217 and returns the same with the recommendation that said bill be
17 amended as follows:

18 1217oa

19 On page 1 of the printed bill, delete lines 4 to 11, inclusive, and insert:

20 " Section 1. That § 46A-3A-4 be amended to read as follows:

21 46A-3A-4. The James River Water Development District is hereby established. The James
22 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,
23 Hanson, Hutchinson, ~~Marshall~~, and Yankton counties; ~~Redstone, Carthage, Miner, Green~~
24 ~~Valley, Clinton, Roswell, Beaver, and Rock Creek townships in Miner County; and Buffalo,~~
25 ~~Dayton, Dumarce, Eden, Fort, Hamilton, Hickman, Lake, Lowell, Miller, Newark, Newport,~~
26 ~~Pleasant Valley, Red Iron Lake, Sisseton, Stena, Waverly, Weston, and Wismer townships in~~
27 ~~Marshall County; Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine, Plankinton,~~
28 ~~Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County; and all municipalities~~
29 ~~that are wholly or partially within the included area or that are contiguous to the included area."~~

1 1217ota

2 On page 1, line 1, of the printed bill, delete everything after "regarding" .

3 On page 1, line 2, delete everything before "the" .

4 And that as so amended said bill do pass.

5 Also MR. SPEAKER:

6 The Committee on Agriculture and Natural Resources respectfully reports that it has had
7 under consideration HB 1146 and returns the same with the recommendation that said bill be
8 amended as follows:

9 1146rb

10 On page 1, after line 13 of the printed bill, insert:

11 " Section 2. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any person who is hunting, fishing, or trapping upon private land shall upon request exhibit
14 the person's license to hunt, fish, or trap, or if unlicensed, shall provide the person's first name,
15 last name, town or city of residence, and state or province of residence as shown on the person's
16 driver license, state-issued identification card, or other form of valid identification for the
17 purpose of verifying the person's identity to any person who has legal authority under the
18 provisions of § 41-9-1 to control access to the private land where the hunting, fishing, or
19 trapping is occurring. A violation of this section is a Class 2 misdemeanor."

20 And that as so amended said bill do pass.

21 Respectfully submitted,
22 Lee Qualm, Chair

23 Also MR. SPEAKER:

24 The Committee on Transportation respectfully reports that it has had under consideration
25 SB 41 and 94 and returns the same with the recommendation that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 SB 85 and returns the same with the recommendation that said bill do pass and be placed on the
4 consent calendar.

5 Respectfully submitted,
6 Mary Duvall, Vice Chair

7 Also MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration
9 HJR 1005 and returns the same with the recommendation that said resolution do pass.

10 Also MR. SPEAKER:

11 The Committee on State Affairs respectfully reports that it has had under consideration
12 HB 1177 and returns the same with the recommendation that said bill be amended as follows:

13 1177ya

14 On page 1 of the printed bill, delete lines 4 to 11, inclusive.

15 On page 2, line 2, overstrike "and".

16 On page 2, line 3, before "." insert: ; and

17 (5) Candidate or candidate committee for any statewide or legislative office whose name
18 appears on the primary ballot, but does not appear on the general election ballot, shall
19 submit a campaign finance disclosure statement, or termination report, which shall
20 be received by the secretary of state by 5:00 p.m. on the second Friday of August
21 following that primary election

22 On page 2, remove the overstrikes from lines 22 to 24, inclusive.

23 And that as so amended said bill do pass.

24 Also MR. SPEAKER:

25 The Committee on State Affairs respectfully reports that it has had under consideration
26 HB 1219 and returns the same with the recommendation that said bill be amended as follows:

1219ra

On page 3, line 4, of the printed bill, delete everything after "(31)" and insert "Amended annual report, \$25:".

On page 3, delete line 5.

On page 3, delete lines 11 to 24, inclusive.

On page 4, delete lines 1 to 18, inclusive.

On page 4, after line 18, insert:

" Section 4. That § 57A-9-528 be amended to read as follows:

57A-9-528. For each effective financing statement filed pursuant to this chapter, three dollars of the fee collected pursuant to § 57A-9-525, and the computer search fee assessed pursuant to § 57A-9-525, shall be deposited in the financing statement and annual report filing fee fund. For each annual report filed pursuant to § 59-11-24 in fiscal years 2010 and 2011, three dollars of the fee collected shall be deposited in the financing statement and annual report filing fee fund. For each annual report filed pursuant to § 59-11-24 in fiscal year 2012 and each year thereafter, one dollar of the annual report fee shall be deposited in the financing statement and annual report filing fee fund. For each amendment of an annual report filed pursuant to § 59-11-24 in fiscal year 2016 and each year after, the fee for the amendment shall be deposited in the financing statement and annual report filing fee fund.

Section 5. This Act is effective January 1, 2016."

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1078 and 1210 which were tabled.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HJR 1004 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Brian G. Gosch, Chair

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1206 and returns the same with the recommendation that said bill be amended
4 as follows:

5 1206sa

6 On page 1, line 6, of the printed bill, delete "South Dakota resident" and insert "person".

7 On page 1, line 9, after "." insert "However, the Board of Regents or a public university
8 may restrict the right or privilege to carry or possess a concealed pistol as a requirement to host
9 or participate in a national event or tournament."

10 And that as so amended said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on Local Government respectfully reports that it has had under
13 consideration HB 1167 which was deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Kristin A. Conzet, Chair

16 **REPORTS OF JOINT-SELECT COMMITTEES**

17 MR. SPEAKER:

18 Your Joint-Select Committee appointed for the purpose of arranging for an informal Joint
19 Session of the Senate and the House of Representatives to receive the message of the Canadian
20 Consul General respectfully reports:

21 That the Senate and the House convene in an informal Joint Session in the Chamber of the
22 House of Representatives at 2:00 p.m., February 18, 2015.

23 That when the message of the Canadian Consul General has been received, the Joint
24 Session be dissolved.

25 Respectfully submitted,
26 Fred Romkema
27 Brian Gosch
28 Spencer Hawley
29 House Committee

Respectfully submitted,
Craig Tieszen
Tim Rave
Billie Sutton
Senate Committee

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Sens. Tieszen, Rave, and Sutton as a committee of three on the part of the Senate to meet with a committee of three on the part of the House for the purpose of arranging for a joint session to hear the message of the Canadian Consul General.

Also MR. SPEAKER:

I have the honor to inform your honorable body that HB 1095 was lost for failure to be placed on the Senate calendar.

Also MR. SPEAKER:

I have the honor to return herewith HB 1006, 1033, 1034, 1039, 1040, and 1056 which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to transmit herewith SB 1, 132, 154, and 190 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Kay Johnson, Secretary

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Gosch moved that the reports of the Standing Committees on

State Affairs on HB 1118 as found on page 378 of the House Journal; also

State Affairs on HB 1215 as found on page 379 of the House Journal; also

State Affairs on HB 1139 as found on page 380 of the House Journal; also

Commerce and Energy on HB 1235 as found on page 381 of the House Journal; also

Judiciary on HB 1067 as found on page 382 of the House Journal; also

1 Judiciary on HB 1082 as found on page 382 of the House Journal be adopted.

2 Which motion prevailed.

3 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 1: FOR AN ACT ENTITLED, An Act to revise certain taxes and fees to fund
5 improvements to public roads and bridges in South Dakota.

6 Was read the first time and referred to the Committee on State Affairs.

7 SB 132: FOR AN ACT ENTITLED, An Act to allow school districts to recruit teachers
8 by providing certain financial incentives.

9 Was read the first time and referred to the Committee on Education.

10 SB 154: FOR AN ACT ENTITLED, An Act to require that certain employees of the
11 Department of Veterans Affairs be veterans.

12 Was read the first time and referred to the Committee on Judiciary.

13 SB 190: FOR AN ACT ENTITLED, An Act to clarify health coverage for applied behavior
14 analysis.

15 Was read the first time and referred to the Committee on State Affairs.

16 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

17 Rep. Gosch moved that the balance of the calendar including HB 1194 and 1030 and
18 HJR 1003 and HB 1161 and SB 77, 16, 40, 43, 75, and 76 be deferred to Tuesday, February 17,
19 the 22nd legislative day.

20 Which motion prevailed.

21 There being no objection, the House reverted to Order of Business No. 5.

1

REPORTS OF STANDING COMMITTEES

2 MR. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that HB 1071 and 1104 were
4 delivered to his Excellency, the Governor, for his approval at 10:30 a.m., February 12, 2015.

5 Also MR. SPEAKER:

6 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
7 and Enrolling has carefully compared HB 1006, 1033, 1034, 1039, 1040, and 1056 and finds
8 the same correctly enrolled.

9 Respectfully submitted,
10 Dean Wink, Chair

11

SIGNING OF BILLS

12 The Speaker publicly read the title to

13 HB 1006: FOR AN ACT ENTITLED, An Act to allow bullheads to be used as bait.

14 HB 1033: FOR AN ACT ENTITLED, An Act to repeal the South Dakota Energy
15 Infrastructure Authority.

16 HB 1034: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary
17 statutes related to the Wind Energy Competitive Advisory Task Force.

18 HB 1039: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
19 regulation of grain buyers and grain warehouses.

20 HB 1040: FOR AN ACT ENTITLED, An Act to revise the statute of frauds within the
21 uniform commercial code with respect to the sale of pulse crops.

22 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
23 Department of Agriculture.

24 SB 14: FOR AN ACT ENTITLED, An Act to provide for the possession and
25 administration of opioid antagonists by first responders for the treatment of drug overdoses.

26 SB 15: FOR AN ACT ENTITLED, An Act to allow for discretionary appeals of illegal
27 sentences.

1 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
2 administration of benefits provided to veterans and to declare an emergency.

3 SB 46: FOR AN ACT ENTITLED, An Act to make an appropriation of other fund
4 expenditure authority to the Department of Agriculture for the construction of the Nordby
5 Exhibit Hall at the South Dakota State Fair and to declare an emergency.

6 SB 61: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled
7 substances schedule and to declare an emergency.

8 And signed the same in the presence of the House.

9 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
10 1:20 p.m. the House adjourned.

11 Arlene Kvislen, Chief Clerk

